

Appl. No.: 10/789,288
Art Unit: 3711 Docket No.: B04-07
Reply to Office Action of March 17, 2005

REMARKS

In the Specification, a new paragraph has been added on page 8, after line 20 to more fully describe the embodiment illustrated in FIG. 7d. FIG. 7d fully supports the amendment to the specification. No new matter has been added. Applicants note that this paragraph was added during prosecution in the original parent application, U.S. Serial No. 09/847,764 now U.S. Pat. No. 6,569,038 and inadvertently not contained in this filed specification. However, this filing incorporated the subject matter of the parent applications by reference.

The specification has also been amended to correct the Cross Reference to Related Applications section to include the patent number for the most recent parent application.

Claims 1-5 and 7-11 appear in this application for the Examiner's review and consideration. Claim 1 has been amended to incorporate the subject matter of claim 7 and to remove the recitation of lobes extending from a central hub. Claim 3 has been amended to make claim 3 consistent with amended claim 1. Claim 7 has been amended to recite that the lobes extend from a central hub. Claims 8 and 9 have been amended to change their dependencies. Claim 6 has been canceled without prejudice. No new matter has been added.

Specification

Applicants disagree with the Examiner's position that FIG. 7d does not show lobes extending from a central hub. FIG. 7d shows lobes extending from a central hub of the dimple, and the lobes including the curved outer segments as claimed. As discussed in the specification arms may emanate from either the center or a hub, thus it is clearly within the scope of the invention that arms may emanate from either the center or a hub 30. (See Specification, at least at page 3, lines 22-23; page 6, lines 4-6 and 14; page 7, lines 13-14; page 8, line 7, and 11-12). Moreover, as illustrated in FIGS. 7a and 7c, both lobes and arms may emanate from a hub 30. As illustrated in FIG. 7d, the arms emanate from the center of the dimple; while the lobes, radiate from a point outside of the center. In FIG. 7d, this point is illustrated by the location where adjacent arms separate from each other (forming a hub). Thus, the lobes extend from a hub, while the arms emanate from a center. Additionally, the hub profile as recited in claims 9-11 is supported by the application on page 6, lines 14-21 (and the parent applications). The objection to the specification is believed to have been overcome and withdrawal is respectfully requested.

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Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner stated that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner questions how the radiating arms emanate from the center when the dimples have a central hub. Applicants disagree. However, to further prosecution, claim 1 has been amended to remove the recitation of the central hub, and this has instead been incorporated into dependent claim 7.

Thus, the rejection under 35 U.S.C. § 112, second paragraph, is therefore believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

Rejection Over U.S. Patent No. 6,315,686

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,315,686 to Barfield *et al.* ("Barfield"). Barfield is generally directed to dimple structures with vortex generators.

For claims to be rejected under 35 U.S.C. § 102(e), each and every element as set forth in the claims of the present invention must be found, either expressly or inherently, in a single prior art reference. Applicants respectfully submit that Barfield does not disclose all the elements of the claimed invention.

Amended independent claim 1 now recites that at least one arm is located within each lobe. Barfield, however, does not disclose any arms. Barfield only discloses linear segments which separate the peripheral spherical sections. These linear segments are not arms, they are only geometric boundaries which separate the peripheral spherical sections. This is similar to how the sides of a cube are separated. The Examiner will appreciate that there are no arms separating the sides of a cube.

Additionally, the linear segments, which the Examiner refers to, are not provided within the peripheral spherical sections (see 58a – 58l in Figures 11-13 of Barfield). The Examiner tries to combine two peripheral spherical sections (54l and 54k) together such that linear segment 58l, which is where the two sections meet, would be provided within the combined peripheral spherical sections. However, the combined peripheral spherical sections would not be one lobe as defined in the specification; instead they would be two lobes as each is defined by a separate curved outer segment. Barfield simply does not disclose at least one arm located within each

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lobe as presently recited in independent claim 1. Hence, claim 1 is patentable over the Barfield reference.

Accordingly, independent claim 1 is believed to be in condition for allowance for at least the reasons set forth above. Moreover, the remaining claims 2-5 and 7-11 depend from independent claim 1 discussed above and add additional features. These claims are believed to be patentable for the totality of the claimed inventions therein and by virtue of their dependence from independent claim 1. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection Under Obviousness-Type Double Patenting

Claims 1-5, 7-9 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 21-38 of U.S. Patent No. 6,315,686 in view of Barfield and over claims 9-26 of U.S. Patent No. 6,709,349 in view of Barfield. Applicants disagree; however, to further prosecution a Terminal Disclaimer is submitted herewith and reconsideration and withdrawal of this rejection is respectfully requested. Claims 1-5, 7-9 and 11 should now be in condition for allowance.

Conclusion

Based on the remarks set forth above, Applicant believes that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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Date